



## Legislation Text

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**File #:** 0225X-2016, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Service (DPS) is performing the Pedestrian Safety Improvements - Waggoner Road Shared Use Path (PID 590105-100071) Public Improvement Project ("Public Project"). The City must acquire certain fee simple title and lesser real estate located in the vicinity of the public right-of-way of Waggoner Road, Columbus, Ohio 43004 (collectively, "Real Estate") in order for DPS to complete the Public Project. The City passed Ordinance Number 1379-2016 authorizing the City Attorney to acquire the Real Estate. The acquisition of the Real Estate will help make, improve, or repair certain portions of the Waggoner Road public roadway and associated appurtenances, which will be open to the public without charge. Accordingly, the City intends to appropriate and accept the Real Estate in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the Real Estate in good faith regarding the amount of just compensation for the Real Estate.

### **CONTRACT COMPLIANCE:**

Not applicable.

### **FISCAL IMPACT:**

Not applicable.

### **EMERGENCY JUSTIFICATION:**

Emergency action is requested in order to acquire the Real Estate and allowing DPS to timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City's necessity and intent to appropriate and accept certain fee simple title and lesser real estate in order to complete the Pedestrian Safety Improvements - Waggoner Road Shared Use Path Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS**, the City intends to make, improve, or repair certain public roadway and associated appurtenances by completing the Pedestrian Safety Improvements - Waggoner Road Shared Use Path (PID 590105-100071) Public Improvement Project (*i.e.* Public Project);

**WHEREAS**, the City intends for the City Attorney to acquire the necessary fee simple title and lesser real estate located in the vicinity of the public right-of-way of Waggoner Road, Columbus, Ohio 43004 (*i.e.* Real Estate) in order to complete the Public Project;

**WHEREAS**, the City intends for the Real Estate's acquisition to help make, improve, or repair certain portions of Waggoner Road's public roadway and associated appurtenances, which will be open to the public without charge;

**WHEREAS**, the City intends to appropriate and accept the Real Estate in the event the City Attorney is unable to (i) locate the owners of the Real Estate, or (ii) agree with the owners of the Real Estate in good faith regarding the amount of

just compensation for the Real Estate; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the above actions in order to acquire the Real Estate and allowing DPS to timely complete the Public Project without unnecessary delay, thereby preserving the public health, peace, property, safety and welfare; **now, therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** The City, pursuant to the City's Charter, Columbus City Code, Chapter 909, Constitution of the state of Ohio, and Ohio Revised Code, Chapter 719, declares the necessity and intent to appropriate and accept the fee simple title and lesser real estate to the following listed parcels (*i.e.* Real Estate), which are fully described in their associated exhibits and incorporated into this resolution for reference, in order to complete the Pedestrian Safety Improvements - Waggoner Road Shared Use Path (PID 590105-100071) Public Improvement Project (*i.e.* Public Project):

**(Exhibit) ... (Public Project Parcel Identification) ... (Real Estate)**

- |     |       |   |
|-----|-------|---|
| 1)  | 1-WD1 | (fee simple title without limitation of access)                   |
| 2)  | 1-WD2 | (fee simple title without limitation of access)                   |
| 3)  | 1-T   | (twenty-four (24) month temporary construction & access easement) |
| 4)  | 2-WD  | (fee simple title without limitation of access)                   |
| 5)  | 2-T   | (twenty-four (24) month temporary construction & access easement) |
| 6)  | 4-T   | (twenty-four (24) month temporary construction & access easement) |
| 7)  | 7-SH  | (perpetual highway easement without limitation of access)         |
| 8)  | 7-T   | (twenty-four (24) month temporary construction & access easement) |
| 9)  | 8-SH  | (perpetual highway easement without limitation of access)         |
| 10) | 8-S   | (perpetual sewer utility easement)                                |
| 11) | 8-T   | (twenty-four (24) month temporary construction & access easement) |
| 12) | 9-WD1 | (fee simple title without limitation of access)                   |
| 13) | 9-WD2 | (fee simple title without limitation of access)                   |
| 14) | 10-T  | (twenty-four (24) month temporary construction & access easement) |
| 15) | 14-T  | (twenty-four (24) month temporary construction & access easement) |
| 16) | 15-CH | (perpetual channel utility easement)                              |
| 17) | 15-T  | (twenty-four (24) month temporary construction & access easement) |
| 18) | 16-CH | (perpetual channel utility easement)                              |

**19) 16-T (twenty-four (24) month temporary construction & access easement)**

**SECTION 2.** The City Attorney is authorized to cause a written notice of this resolution's adoption to be served in the manner provided by law upon the owner(s), person(s) in possession, or person(s) possessing a real or possible real property interest of record in the Real Estate.

**SECTION 3.** The acquisition of the Real Estate pursuant to this resolution is required to make, improve, or repair certain portions of the Waggoner Road's public roadway and associated appurtenances, which will be open to the public without charge.

**SECTION 4.** That, for the reasons stated in the preamble, which are fully incorporated for reference as if rewritten, this resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption and approval by the mayor or ten (10) days after its adoption if the mayor neither approves nor vetoes this resolution.